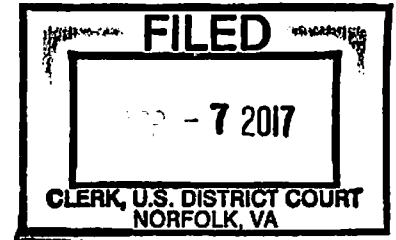


UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Newport News Division



MELISA S. DARGAN,  
ADMINISTRATOR OF THE ESTATE  
OF KAWANZA JAMAL  
BEATY, deceased,

Plaintiff,

v.

Civil No. 4:15cv115

OFFICER RANDY GIBSON,  
Defendant.

FINAL ORDER

Before the Court is Plaintiff's Second Motion for Settlement, ECF No. 46, and Plaintiff's Amended Motion for Settlement, ECF No. 50, which were filed in accordance with Virginia's Wrongful Death Statute, Virginia Code § 8.01-55. Pursuant to the provisions of 28 U.S.C. §§ 636(b)(1)(B), Rule 72(b) of the Federal Rules of Civil Procedure, Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia, and by Order dated October 18, 2016, this matter was referred to a United States Magistrate Judge for a Report and Recommendation.

In a Report and Recommendation ("R&R") filed March 14, 2017, the Magistrate Judge made the following findings: (1) the amount of the proposed settlement is fair and reasonable; (2) reimbursement of funeral expenses must be made prior to any distribution to beneficiaries of the estate under the Virginia Wrongful Death Act; and (3) it is unnecessary to determine the paternity of K.J.B. *See* ECF No. 70. Accordingly, the Magistrate Judge recommended granting Plaintiff's Amended Motion for Settlement, ECF No. 50, and distributing the settlement proceeds as follows: Defendant to pay the sum of \$6,700.00 to counsel for Plaintiff Melisa S.

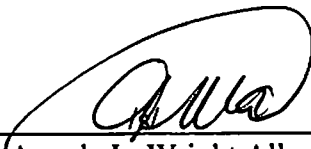
Dargan, Administrator of the Estate of Kwanza Jamal Beaty, with \$2,200.00 to be disbursed to the Law Office of James Stephen Ellenson for attorneys' fees, and \$4,500.00 to be disbursed to Ms. Shirley Mae McPhatter for funeral expenses. The Magistrate Judge also recommended dismissing Plaintiff's Second Motion for Settlement, ECF No. 46, as moot. ECF No. 70 at 13.


By copy of the R&R, each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge within fourteen days from the date the R&R was mailed, pursuant to Rule 6(a) of the Federal Rules of Civil Procedure. The time for filing written objections has passed, and neither party has filed objections. As indicated in the R&R, "failure to file timely specific written objections to the . . . findings and recommendations [set forth in the R&R] will result in a waiver of the right to appeal from a judgment of this Court based on such findings and recommendations." *Id.* at 14.

This Court has reviewed the R&R of the Magistrate Judge (ECF No. 70) and **ADOPTS** and **APPROVES** in full the findings and recommendations set forth therein. Accordingly, it is hereby **ORDERED** that Plaintiff's Amended Motion for Settlement (ECF No. 50) is **GRANTED**, and the settlement proceeds shall be disbursed as stated herein. Plaintiff's Second Motion for Settlement (ECF No. 46) is **DISMISSED AS MOOT**.

The Clerk is **REQUESTED** to send a copy of this Final Order to all counsel of record.

**IT IS SO ORDERED.**

  
\_\_\_\_\_  
Arenda L. Wright Allen  
United States District Judge

  
\_\_\_\_\_, 2017  
Norfolk, Virginia